

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

JAMES R. FITCH,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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CASE NO. 4:11-CV-1365

OPINION & ORDER
[Resolving Doc. No. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On July 5, 2011, Plaintiff James R. Fitch filed a complaint seeking judicial review of the Defendant Commissioner of Social Security's decision to deny him disability benefits. [Doc. [1](#).] The Court referred Fitch's complaint to Magistrate Judge George J. Limbert and then to Magistrate Judge Kathleen B. Burke for a Report and Recommendation. On July 13, 2012, Magistrate Judge Burke recommended that this Court affirm the Commissioner's decision. [Doc. [21](#).]

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). Parties must file any objections to a Report and Recommendation within fourteen days of service. [Id.](#); [Fed. R. Civ. P. 72\(b\)\(2\)](#). Failure to object within this time waives a party's right to appeal the Magistrate Judge's report. [Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981). Absent objection, a district court

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may adopt the Magistrate Judge's report without review. *See Thomas*, 474 U.S. at 149.

In this case, neither party has objected to Magistrate Judge Burke's recommendation. In addition, the Court has independently reviewed, and agrees with that recommendation. Accordingly, the Court **ADOPTS** Magistrate Judge Burke's Report and Recommendation and **DISMISSES** Fitch's complaint.

IT IS SO ORDERED.

Dated: July 31, 2012

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE